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The Legal Services Program's Role in the Riots

Legal Services Programs in riot-hit communities during the Summer of 1967 assisted efforts to prevent the outbreak of rioting and played key roles during riot crises. The following are examples of typical legal services activities that took place in virtually every city where a riot was threatened or actually occurred.

In the late spring of last year in the Hough area of Cleveland, a Negro man was shot and killed by a white policeman. By 10:30 p.m. a rumor was spreading that the man had raised his hands in the air before he was fatally shot. Tempers were running high. Much less provocation has triggered riots before. An area resident called the community investigator from the Hough Neighborhood Law Office who in turn contacted the neighborhood attorney, Lionel Jones. At 11:00 p.m. Mr. Jones opened the neighborhood office and he and 50 ghetto residents crowded inside to discuss the situation. At 11:15 the talk of the people was of physical retaliation against the white police and the white community. A riot seemed imminent. But Mr. Jones kept talking. At midnight, the beginnings of a lawsuit had formulated. At 1:00 a.m. the residents returned to their homes and families--not to the streets. The slum community had focused its attention on a neighborhood law office in a crisis that could have led to violence, because the Cleveland Legal Aid Agency is known to represent groups of poor people who have a common grievance and the neighborhood law office in Hough is well known and trusted.

Bold and prompt action by the Neighborhood Legal Services Project of Washington, D. C. prevented a potential riot. On the night of June 30, police were summoned to stop an altercation between neighbors during which some shots had been fired. The police, in the process of arresting one of the neighbors, reportedly roughed up some of the residents who had gathered in a crowd on the street during the incident. This prompted angry talk about police brutality.

Under a special 24-hour-a-day summer program of the LSP in which lawyers can be called promptly to the scene of a potential crisis, Julian Dugas, Director of the NLSP, was called at 1 a.m. to speak to the crowd that was talking about violent retaliation against the alleged police brutality. After talking to the group, Dugas decided the situation remained critical. He telephoned David Bress, the U. S. Attorney, at home and persuaded him to get out of bed and come down to address the crowd. Bress arrived at 2 a.m. and addressed the angry crowd. He promised them he would hold an informal hearing later that morning and that he would investigate their complaints. Assured that something would be done about what they considered an injustice, the crowd accepted his solution and returned to their homes. At 10 a.m. that morning, Bress held an informal hearing at which the police and the residents charging police brutality presented their respective sides of the case.

In Jacksonville, Florida, prior to Rap Brown's appearance in that city, the newly funded Legal Services Program met with 25 or 30 of the most militant Negro youths in that community. The Director assured them that the Legal Services Program could provide alternative methods to violence in seeking solutions to their problems. It is felt that these people were significantly cooled to Brown's overtures as a result of knowing they had a legal spokesman and representative in the Legal Services Project.

In Detroit, Legal Services lawyers, together with law students and 300 volunteer private attorneys, joined together and worked around the clock to help the Detroit Public Defender interview and represent the more than 5,000 persons arrested in connection with the riots. Based on the first 3,000 interviews, about 60 percent of those arrested in Detroit were indigents and more than 25 percent, apparently arrested by mistake in the confusion, appeared clearly innocent of the charges against them. Legal Service attorneys and volunteer lawyers obtained reduced bail for many. In many cases,

those defendants who appeared to be innocent of the charges were released on their own recognizance. First consideration was given to pregnant women, diabetics, and those with similar problems.

In Newark, at the request of Governor Hughes, the Newark Legal Services Project joined with the Essex County Bar Association and the State Bar Association in the community effort to help the Public Defender in the massive job of interviewing and representing those who were arrested during the riots there. The Director of the Newark program, Oliver Lofton, was named by Governor Hughes as his liaison with the Negro community after the rioting broke out. Lofton was later named by the governor to serve on a blue ribbon panel set up to investigate the causes of the riots.

Another of the major functions Neighborhood Legal Services performed was the establishment and administration of an information center. Hundreds of requests were answered for information on and locating of missing persons. Anguished, angered and worried relatives gratefully received such assistance, and in this way some of the tension and ill feeling caused by the confusion and sometimes mistaken arrests were reduced.

The Legal Services Program is prepared to play a similar role in the event that widely-predicted civil disturbances occur during the summer of 1968. LSP attorneys will be available around-the-clock to help ease rising tensions and act as peacemakers where incidents occur.

Although Section 222(a)(3) of the Economic Opportunity Amendments of 1967 restricts LSP's activities in representing those accused of crime, the Section provides for an exception "in extraordinary circumstances where, after consultation with the court having jurisdiction, the Director has determined that adequate legal assistance will not be available for an indigent defendant unless such services are made available." In situations such as occurred in Detroit, Newark, and elsewhere, this exception would probably enable LSP attorneys to once again come to the aid of the courts.